

NOTICE AND AGENDA

SUNNYVALE CITY COUNCIL
TUESDAY, APRIL 21, 2009
COUNCIL CHAMBERS, 456 W. OLIVE AVE.
SUNNYVALE, CALIFORNIA

6 P.M. SPECIAL COUNCIL MEETING (Closed Session)

City Council Closed Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Convene to Closed Session – *The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.*
 - **Conference with Labor Negotiator pursuant to Government Code Section 54987.6; Negotiator: Erwin Young, Director of Human Resources; Employee Organization: Sunnyvale Managers Association (SMA)**
4. Adjourn Special Meeting

7 P.M. COUNCIL MEETING

Pursuant to Council Policy, City Council will not begin consideration of any agenda item after 11:30 p.m. without a vote. At approximately 9:30 p.m., Council will make an announcement indicating that items may not be heard after 11:30 p.m. Any item on the agenda which must be continued due to the late hour shall be continued to a date certain. Information provided herein is subject to change from date of printing of the agenda to the date of the meeting.

CALL TO ORDER

SALUTE TO THE FLAG

ROLL CALL

SPECIAL ORDER OF THE DAY – National Volunteer Recognition Week

SPECIAL ORDER OF THE DAY – Earth Day Proclamation

SPECIAL ORDER OF THE DAY – Recognition of Sunnyvale Green Businesses

SPECIAL ORDER OF THE DAY – Proclamation Recognizing National Crime Victims' Rights Week

Any agenda related writings or documents distributed to members of the City of Sunnyvale City Council regarding any open session item on this agenda will be made available for public inspection in the Office of the City Clerk located at 603 All America Way, Sunnyvale, CA. during normal business hours and in the Council Chambers on the evening of the Council Meeting, pursuant to Government Code §54957.5.

PUBLIC ANNOUNCEMENTS

Each speaker is limited to three minutes for announcements of community events, programs, or recognition.

CONSENT CALENDAR

- 1.A. MOTION Approval of Council Meeting Minutes of February 24, 2009
- 1.B. MOTION Approval of Council Meeting Minutes of March 3, 2009
- 1.C. MOTION Approval of Council Meeting Minutes of March 10, 2009
- 1.D. MOTION Approval of Information/Action Items – Council Directions to Staff

Fiscal Items

- 1.E. MOTION List of Claims and Bills Approved for Payment by the City Manager - List
RTC 09-095 Nos. 448 and 449
Staff Recommendation: Council reviews the attached lists of bills.
Staff Contact: Peter Gonda, (408) 730-7385

Contracts

- 1.F. MOTION Authorization to Modify an Existing Contract for Chronic Toxicity Testing
RTC 09-097 at the Water Pollution Control Plant (F0804-64)

Staff Recommendation: Council authorizes modification of an existing contract with Pacific Eco-Risk, in substantially the same form as the attached draft change order, by increasing the not-to-exceed amount by \$43,400, from \$99,500 to \$142,900 for chronic toxicity testing.
Staff Contact: Pete Gonda, (408) 730-7418

**STAFF RESPONSES TO
PRIOR PUBLIC
COMMENTS**

Staff may provide further information or clarification for the community's benefit in response to public comments made at previous Council meetings. Staff will not necessarily respond to all public comments.

PUBLIC COMMENTS

*This category is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this evening's agenda you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the city clerk. Individuals are limited to one appearance during this section.*

PUBLIC HEARINGS/GENERAL BUSINESS

*If you wish to speak to a public hearings/general business item, please fill out a speaker card and give it to the city clerk. You will be recognized at the time the item is being considered by Council. **Each speaker is limited to a maximum of three minutes. For land-use items, applicants are limited to a maximum of 10 minutes for opening comments and 10 minutes for closing comments.***

2. ORDINANCE 2009-0188 - Uncodified Zoning Ordinance - Time Extensions affecting
MOTION the expiration and allowed extensions of various permits and legally
RTC 09-094 established uses as permitted through Title 19, Zoning Code

Staff Recommendation: Alternative No.1 - Council adopts the Uncodified Zoning Ordinance with the suggested time frame of as of April 1, 2009 through March 31, 2011.

Staff Contact: Shaunn Mendrin (408) 730-7429

3. RESOLUTION Conduct Protest Hearing and Adoption of the Resolution of Intention of
MOTION the City of Sunnyvale to Levy an Annual Assessment for the Downtown
RTC 09-089 Sunnyvale Business Improvement District

Staff Recommendation: Alternative No.1 - Council adopts the Resolution of Intention of the City of Sunnyvale to Levy an Annual Assessment For the Downtown Sunnyvale Business Improvement District.

Staff Contact: Connie Verceles, (408) 730-7256

4. MOTION Positions on State Ballot Measures for the May 2009 Election
RTC 09-093

Staff Recommendation: Alternative No.1 - Council adopts a SUPPORT position on all the proposed state ballot measures:

- **Proposition 1A** Stabilizes State Budget. Reforms California Budget Process. Limits State Spending. Increases "Rainy Day" Budget Stabilization Fund;
- **Proposition 1B** Education Funding. Payment Plan;
- **Proposition 1C** Lottery Modernization Act;
- **Proposition 1D** Protects Children's Services Funding. Helps Balance State Budget;
- **Proposition 1E** Ensures Funding for Children's Mental Health Services. Helps Balance State Budget; and
- **Proposition 1F** Elected Officials' Salaries. Prevents Pay Increases During Budget Deficit Years.

Staff Contact: Yvette Blackford, (408) 730-7536

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

- Council
- Staff

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Draft Minutes of Board of Library Trustees Meeting of April 6, 2009
- RTC 09-096 Federal Stimulus Funding Update (Information Only)

ADJOURNMENT

Notice to the Public:

The agenda reports to council (RTC's) may be viewed on the City's Web site at <http://sunnyvale.ca.gov> after 7 p.m. on Thursdays or at the Sunnyvale Public Library, 665 W. Olive Ave. as of Fridays prior to Tuesday City Council meetings. Please contact the Office of the City Clerk at (408) 730-7483 for specific questions regarding the agenda.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the Office of the City Clerk at or before the public hearing. PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure 1094.5.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Office of the City Clerk at (408) 730-7483. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CFR 35.104 ADA Title II).

GUIDELINES FOR ADDRESSING THE CITY COUNCIL

Public Announcement – Beginning of Council Meeting

- Three minutes or less per speaker.
- Speakers are requested to give their name (address is optional).
- Recognition of a special achievement.
- Announcement of public event with definite time and date.
- Public events that are of community-wide interest that occur on an annual basis. (only announce one time).

Public Hearing – Order of Hearing as Follows:

- Opening remarks by the applicant (if applicable) are limited to 10 minutes.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Anyone interested in addressing the Council (may only speak one time).
- Closing remarks by the applicant (if applicable) are limited to 10 minutes.
- Time limit of three minutes per person (may be extended at discretion of mayor). Please make comments brief and be prepared to provide new input.

Public Comments

- Any item relevant to the City of Sunnyvale.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Items not on the agenda.
- Items that do not fall within the scope of the public announcement section.
- This category is limited to 15 minutes (may be extended or continued after the public hearing/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this evening's agenda, you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the city clerk. Individuals are limited to one appearance during this section.

Planning a presentation for a City Council/Planning Commission meeting?

To assist you in utilizing the technology available in the Council Chambers, the publication "*How to Make Your Council Chambers Presentation More Effective*" may be helpful. Copies are available on the tables located at the back of the Council Chambers prior to scheduled City Council and Planning Commission meetings. You may also pick up a copy at the Office of the City Clerk or visit the City's Web site at <http://sunnyvale.ca.gov>.

Planning to present materials to Council?

If you wish to provide the City Council with copies of your presentation materials, **please provide 12 copies of the materials to the city clerk** (located to the left of the Council dais). The city clerk will distribute your items to the Council.

SCHEDULED COUNCIL MEETINGS

DATE	MEETING	TIME	PLACE
April 21, 2009	Council and Finance Authority Meeting	7 p.m.	Council Chambers
April 28, 2009	Council Meeting	7 p.m.	Council Chambers
May 05, 2009	Council Meeting	7 p.m.	Council Chambers
May 12, 2009	Council Meeting	7 p.m.	Council Chambers
May 19, 2009	NO COUNCIL MEETING SCHEDULED		
May 21, 2009	Special Council Meeting – Budget Workshop	8:30 a.m.	Council Chambers
May 26, 2009	NO COUNCIL MEETING SCHEDULED		

OTHER SCHEDULED MEETINGS

April 16, 2009	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conf. Room
April 20, 2009	Personnel Board	5 p.m.	Council Chambers
April 27, 2009	Planning Commission Study Session	7 p.m.	West Conf. Room
April 27, 2009	Planning Commission Public Hearing	8 p.m.	Council Chambers
April 29, 2009	Administrative Hearing	2 p.m.	West Conf. Room
April 29, 2009	Housing and Human Services Commission	7 p.m.	West Conf. Room
May 04, 2009	Board of Library Trustees	7 p.m.	Council Chambers
May 06, 2009	Heritage Preservation Commission	7 p.m.	West Conf. Room
May 11, 2009	Planning Commission Study Session	7 p.m.	West Conf. Room
May 11, 2009	Planning Commission Public Hearing	8 p.m.	Council Chambers
May 13, 2009	Administrative Hearing	2 p.m.	West Conf. Room
May 18, 2009	Personnel Board	5 p.m.	Council Chambers
May 20, 2009	Joint Parks and Recreation Commission and Arts Commission Study Session	6 p.m.	West Conf. Room
May 20, 2009	Joint Parks and Recreation Commission and Arts Commission	7 p.m.	Council Chambers
May 21, 2009	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conf. Room
May 27, 2009	Administrative Hearing	2 p.m.	West Conf. Room
May 27, 2009	Housing and Human Services Commission	7 p.m.	West Conf. Room
June 10, 2009	Parks and Recreation Commission	7 p.m.	Council Chambers
June 17, 2009	Arts Commission	7 p.m.	Council Chambers

CHANNEL 15 – KSUN

For a complete schedule of KSUN-15 broadcasts, visit KSUN.inSunnyvale.com

April 21, 2009	City Council Meeting - Live	7 p.m.
April 22, 2009	City Council Meeting - Replay of April 21, 2009	7 p.m.
April 26, 2009	City Council Meeting - Replay of April 21, 2009	4 p.m.
April 28, 2009	City Council Meeting - Live	7 p.m.
April 29, 2009	City Council Meeting - Replay of April 28, 2009	7 p.m.
May 03, 2009	City Council Meeting - Replay of April 28, 2009	4 p.m.
May 05, 2009	City Council Meeting - Live	7 p.m.
May 06, 2009	City Council Meeting - Replay of May 5, 2009	7 p.m.
May 10, 2009	City Council Meeting - Replay of May 5, 2009	4 p.m.
May 12, 2009	City Council Meeting - Live	7 p.m.
May 13, 2009	City Council Meeting - Replay of May 12, 2009	7 p.m.
May 17, 2009	City Council Meeting - Replay of May 12, 2009	4 p.m.
May 21, 2009	Budget Workshop - Live	8:30 a.m.
May 22, 2009	Budget Workshop - Replay of May 21, 2009	8:30 a.m.
May 24, 2009	Budget Workshop - Replay of May 21, 2009	8:30 a.m.